

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,)
v.) CR No. 19-CR-3113 JB
ROBERT PADILLA,)
Defendant.)

**UNOPPOSED NUNC PRO TUNC MOTION FOR ADDITIONAL TIME TO RESPOND TO
DEFENDANT'S MOTION TO RECUSE (Doc. 546)**

The United States of America moves the Court for additional time to respond to Defendant's motion to recuse (Doc. 546), and in support thereof states:

1. Defendant Padilla is charged by indictment with eleven others, he being charged with the following violations: Conspiracy, in violation of 21 U.S.C. § 846, two counts of distribution of fentanyl, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C), five counts of distribution of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), one count of possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), distribution of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and possession with intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). Doc.

2.

2. Trial is currently set for November 27, 2023. Doc. 800.

3. On September 1, 2021, Defendant filed a motion for recusal. Doc. 546. A hearing was scheduled on the motion for September 21, 2021. Doc. 555. On September 29, 2021, it was reset for November 12, 2021 (no docket number). A continuance was again

granted on November 3, 3021. Docs. 589, 591. On March 31, 2022, the hearing was reset for June 30, 2022. Doc. 669. On June 27, 2022, the hearing was vacated and to be set at a later date. Doc. 698. On August 1, 2023, Defense counsel emailed the Court requesting that the hearing be reset. Doc. 801. The government's response is due on or about August 15, 2023. D.N.M.LR-Cr. 47.8(a), F.R.C.P. 245(b)(3).

4. The United States requests that the Court grant it an additional one week time, to August 21, 2023, to respond to Defendant's motion to recuse.

5. A continuance of one week will not interfere with the present trial schedule.

6. Counsel for Defendant, Joe Romero, does not oppose this motion.

7. Defendant is detained. Doc. 93.

WHEREFORE, the United States respectfully requests that the Court allow it additional time to August 22, 2023, to respond to Defendant's motion to recuse.

Respectfully submitted,

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United States Attorney

Electronically filed on 8/18/23
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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to opposing counsel of record.

Filed Electronically
ELAINE Y. RAMIREZ
Assistant United States Attorney